

AGENDA ITEM



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Execute an Amendment to the Northern California Power Agency (NCPA) Green Power Project (NGPP) 3rd Phase Agreement to Add City of Gridley (EUD)

MEETING DATE: August 4, 2010

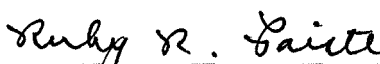
PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute an Amendment to the Northern California Power Agency (NCPA) Green Power Project (NGPP) 3rd Phase Agreement to add City of Gridley.

BACKGROUND INFORMATION: The NCPA Green Power Project (NGPP) is governed by an agreement among NCPA and participating NCPA Members. NGPP attempts to locate power purchase agreements and other arrangements to provide renewable energy supplies to NGPP participants. The City of Gridley wishes to participate in the NGPP. Adding Gridley would require approval of each existing NGPP participant, including Lodi. While the Lodi Electric Utility is a participant, we do not yet receive any renewable energy from this program. We are, however, participating in studies that may lead to future renewable resources.

FISCAL IMPACT: Indeterminate. Addition of Gridley at 0.389 percent of the NGPP would reduce Lodi's share of costs and opportunities from the existing 7.813 percent down to 7.782 percent in certain NGPP activities.

FUNDING: Included in FY 2010/11 Budget Account No. 160642


for Jordan Ayers
Deputy City Manager/Internal Services Director


Elizabeth A. Kirkley
Electric Utility Director

Prepared by: Ken Weisel, Assistant Electric Utility Director, Resources and Rates

EAK/KW/1st

APPROVED: 

Konrad Bartlam, Interim City Manager

**AMENDMENT TO THE 3RD PHASE AGREEMENT TO ALLOCATE SHARES FROM
EXISTING PARTICIPANTS TO ADDITIONAL MEMBER, CITY OF GRIDLEY**

This Amendment to the 3rd Phase Agreement to Allocate Shares From Existing Participants to Additional Member, City of Gridley ("Amendment") is entered into by and between the Northern California Power Agency ("NCPA"), a California Joint Powers Agency, the participants to the Amended NCPA Green Power Project Third Phase Agreement ("NGPP Third Phase Agreement") (collectively referred to as the "Participants"), and the City of Gridley ("Gridley"), and together with NCPA and the Participants, the ("Parties").

WHEREAS, NCPA and the Participants entered into the NGPP Third Phase Agreement for the purpose of procuring electrical power from NCPA's Green Power Project (hereinafter "NGPP"); and

WHEREAS, Gridley is not a member of the NGPP or a signatory to the NGPP Third Phase Agreement; and

WHEREAS, NCPA has been providing project management services related to the acquisition of solar PV projects to be located within Gridley's distribution area or to serve Gridley retail electric load pursuant to a Professional Services Agreement dated July 7, 2009 ("PSA"); and

WHEREAS, Gridley now wishes to become a member of the NGPP and a signatory to the NGPP Third Phase Agreement; and

WHEREAS, in accordance with Section 7.2 of the NGPP Third Phase Agreement, no NCPA member may become an additional party to the NGPP Third Phase Agreement unless one or more of the Participants ("Allocating Participants") elect to allocate a portion of its Participant Percentage to such Member; and

WHEREAS, the Participants now wish to allocate a portion of each of their participation percentages to Gridley so that Gridley may become a member of the NGPP and a signatory to the NGPP Third Phase Agreement.

NOW, THEREFORE, the Parties agree as follows:

1. Each of the Participants shall allocate a certain percentage of their share to Gridley, thereby amending their participation shares. The participation percentages and the allocation to Gridley are shown in Exhibit A attached hereto and made a part of this Amendment.
2. Pursuant to Section 7.2 of the NGPP Third Phase Agreement, upon execution of this Amendment, Gridley shall deliver to NCPA, and each other Participant, a counterpart of the NGPP Third Phase Agreement executed by Gridley, and evidence that such agreement has been approved in accordance with its applicable Constitutive Documents and payment of Gridley's share of the Security Account, established pursuant to Section 5.5 of the NGPP Third Phase Agreement.

3. Upon execution, this Amendment shall supersede the PSA between Gridley and NCPA..
4. This Amendment in no way alters the terms and conditions of the Third Phase Agreement except as specifically set forth herein.

The Parties have executed this Amendment as of _____, 2010.

NORTHERN CALIFORNIA POWER AGENCY

James H. Pope, General Manager

Date: _____

Attest:

Assistant Secretary of the Commission

Approved as to Form:

Michael F. Dean
General Counsel
1396124.4

BAY AREA RAPID TRANSIT

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF HEALDSBURG

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF LODI

Approved as to Legal Form

By: _____

By: _____

Date: _____



CITY OF LOMPOC

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF PALO ALTO

Approved as to Legal Form

By: _____

By: _____

Date: _____

PLUMAS-SIERRA RURAL ELECTRIC
COOPERATIVE

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF SANTA CLARA

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF UKIAH

Approved as to Legal Form

By: _____

By: _____

Date: _____

CITY OF GRIDLEY

Approved as to Legal Form

By: _____

By: _____

Date: _____

AMENDMENT TO THE NGPP THIRD PHASE AGREEMENT TO ALLOCATE SHARES
TO ADDITIONAL MEMBER, CITY OF GRIDLEY

[illegible]

RESOLUTION NO. 2010-133

A RESOLUTION OF THE CITY OF LODI APPROVING AN AMENDMENT TO
THE NORTHERN CALIFORNIA POWER AGENCY GREEN POWER PROJECT
3RD PHASE AGREEMENT TO ADD CITY OF GRIDLEY AND AUTHORIZING
EXECUTION THEREOF BY THE CITY MANAGER

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WHEREAS, certain members of the Northern California Power Agency (NCPA) wish to increase their supply of renewable energy resources and thus, with NCPA, entered into the NCPA Green Power Project (NGPP) Third Phase Agreement, last amended on or about November 29, 2007; and

WHEREAS, the City of Gridley (Gridley) is not a member of the NGPP or a signatory to NGPP Third Phase Agreement; and

WHEREAS, Gridley now wishes to become a member of the NGPP and a signatory to the NGPP Third Phase Agreement; and

WHEREAS, an Amendment to the NGPP 3rd Phase Agreement would add City of Gridley to the NGPP, thereby diluting the City of Lodi participation share to 7.7821% from the current 7.8125%, which participation share is used to allocate certain administrative costs and entitlements to and costs for newly proposed NGPP resources.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve an Amendment to the NGPP 3rd Phase Agreement to allocate shares from existing NGPP participants to additional member, City of Gridley; and

BE IT FURTHER RESOLVED that the City Council authorizes the execution thereof by the City Manager or his designee in substantially the form presented with such revisions that are mutually agreeable to the parties that the City Manager or designee finds beneficial; and

BE IT FURTHER RESOLVED that the City Council authorizes the administration thereof by the Electric Utility Director or her designee.

Dated: August 4, 2010

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I hereby certify that Resolution No. 2010-133 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2010, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk